

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LINDA PETERSON; et. al,

Plaintiffs,

v.

KEVIN MIRANDA; et. al,

Defendants.

2:11-cv-01919-LRH-RJJ

ORDER

Before the court is plaintiffs Linda and Francis Peterson's ("the Petersons") motion for leave to file an amended complaint. Doc. #112.¹

I. Facts and Procedural History

On November 28, 2009, Rebecca Wamsley, a dispatcher for the Clark County School District Police Department, held a holiday party at her home and invited members of the department. One of the attendees, Kevin Miranda ("Miranda"), was the eighteen year old boyfriend of CCSD Police dispatcher defendant Zuniga, also in attendance. During the party, Miranda had access to alcoholic beverages and became intoxicated. He then left the party, ran a red light, and crashed his parents' truck into a vehicle driven by Angela Peterson, the Petersons' daughter, killing her.

¹Refers to the court's docket entry number.

1 On October 20, 2011, the Petersons filed the underlying action against all defendants.
2 Doc. #1, Exhibit 1. On October 18, 2012, the Petersons filed an amended complaint. Doc. #94. In
3 response, defendants filed a series of motions to dismiss. Doc. ##102, 104. Thereafter, the Petersons
4 filed the present motion for leave to file a second amended complaint. Doc. #112.

5 **II. Discussion**

6 A party may amend its pleadings after a responsive pleading has been filed by leave of court.
7 FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so requires
8 and when there is no undue delay, bad faith, or dilatory motive on the part of the moving party. *See*
9 *Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD Programs,*
10 *LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).

11 Here, the Petersons request leave to amend their complaint to add new allegations to their
12 intentional infliction of emotional distress claim, as well as add additional claims for punitive
13 damages. *See* Doc. #112. A copy of the proposed amended complaint is attached to the motion in
14 accordance with LR 15-1. Doc. #112, Exhibit 1.

15 The court finds that there is no undue delay, bad faith, or dilatory motive on behalf of the
16 Petersons in requesting leave to amend their complaint. The court has also reviewed the proposed
17 amended complaint and finds that it satisfies the pleading defects raised in the motions to dismiss.
18 Further, the court finds that the matter is still early in litigation and that the defendants would not be
19 prejudiced by allowing amendment. Accordingly, the court shall grant the Petersons' motion for
20 leave to file an amended complaint.

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1 IT IS THEREFORE ORDERED that plaintiffs' motion for leave to amend (Doc. #112) is
2 GRANTED. Plaintiffs shall have ten (10) days after entry of this order to file the amended
3 complaint attached as Exhibit 1 to their motion (Doc. #112).

4 IT IS FURTHER ORDERED that defendants' motions to dismiss (Doc. ##102, 104) are
5 DENIED without prejudice.

6 IT IS SO ORDERED.

7 DATED this 4th day of June, 2013.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE